

Message Text

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ACTION ARA-14

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C O N F I D E N T I A L NASSAU 0485

FROM DEPUTY ASSISTANT SECRETARY SHELTON

E.O. 11652: GDS
TAGS: MARR BH US MILI
SUBJ: FIRST SESSION OF TALKS ON FACILITIES/ADDERLEY'S
UNCLEAR SIGNAL

REF: (A) NASSAU 0470; (B) NASSAU 0469

1. THE FIRST FORMAL MEETING OF THE MARCH 6-7 TECHNICAL SESSION ON THE BAHAMAS MILITARY FACILITIES CONVENED MONDAY AFTERNOON, MARCH 6, WITHOUT MINISTER OF EXTERNAL AFFAIRS PAUL ADDERLEY. (THE US TEAM HAD PREVIOUSLY BEEN INFORMED THAT HE WOULD NOT ATTEND THE TUESDAY SESSION SINCE A CABINET MEETING WOULD BE HELD AT THE SAME TIME.) HOWEVER, AS LATE AS MID-MORNING MONDAY HIS MINISTER, GEORGE STEWART, CONFIRMED THAT HE WOULD LEAD THE GCOB DELEGATION AT THE OPENING MEETING. IT IS UNCLEAR WHETHER ADDERLEY'S ACTION WAS A CALCULATED "SIGNAL" OF DISPLEASURE STEMMING FROM FACT THAT WE, IN AMB. SCHWARTZ'S LETTER OF FEBRUARY 21, (AS DIRECTED BY DEPT) HAD ATTEMPTED TO BROADEN INITIAL TALKS BEYOND THOSE NARROW TOPICS SUGGESTED BY ADDERLEY IN HIS LETTER OF JANUARY 12 (A COURSE OF ACTION WHICH HE FOUND UNACCEPTABLE AND QUITE POSSIBLY INTERPRETED AS
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A CALCULATED AFFRONT), OR WHETHER THEY REFLECTED HIS DISSATISFACTION WITH OTHER UNRESOLVED BILATERAL ISSUES.

2. ADDERLEY DELAYED THE 3 PM FORMAL MEETING FOR A 30-MINUTE PRIVATE DISCUSSION WITH THE US DELEGATION CHAIRPERSON, DEPUTY ASSISTANT SECRETARY SALLY SHELTON. ADDERLEY SAID HE HAD AGREED TO HEAD THE GCOB TEAM

ONLY BECAUSE HE "HAD BEEN INFORMED" THAT THE US AMBASSADOR TO THE BAHAMAS WOULD LEAD THE US TEAM, AS HAD HAPPENED IN PREVIOUS NEGOTIATIONS. HE ASKED WHY THE US WAS "CHANGING HORSES IN MID-STREAM".

3. SHELTON EXPLAINED THE PRESENT ADMINISTRATION'S PRACTICE THAT SEPARATE DELEGATIONS FROM WASHINGTON WOULD HANDLE SUCH NEGOTIATIONS RATHER THAN THE RESIDENT US AMBASSADOR. SHE ALSO EXPRESSED HER DISAPPOINTMENT THAT ADDERLEY WOULD NOT BE LEADING THE GCOB DELEGATION, AND POINTED OUT THAT SHE HAD COME PRECISELY BECAUSE A PERSON OF HIS IMPORTANCE AND INFLUENCE WAS TO LEAD THE GCOB SIDE.

4. ADDERLEY HAD EARLIER THROWN ANOTHER CURVE TO THE DELEGATION BY DELIVERING A LETTER TO AMBASSADOR SCHWARTZ 30 MINUTES BEFORE THE INITIAL SESSION WAS TO BEGIN. THE LETTER WAS DELIVERED (AND PERHAPS DRAFTED) AFTER MS. SHELTON'S 10 A.M. CALL ON PRIME MINISTER PINDLING (NASSAU 0470). THE LETTER ASSERTED THAT THE GCOB HAD INDEED RESPONDED TO OUR 1973 AND 1975 OFFERS AND IMPLIED THAT ADDERLEY EXPECTED TO DISCUSS SUBSTANTIVE ISSUES ONLY WITH AMBASSADOR SCHWARTZ. IT ALSO REJECTED THE US POSITION ON RETROACTIVE PAYMENTS AND AGREEMENT DURATION. (TEXT OF LETTER SENT NASSAU 0469).

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5. COMMENT: ADDERLEY'S "SIGNAL" MAY HAVE BEEN A CALCULATED SNUB TO EXPRESS DISPLEASURE OVER FACILITIES ISSUES SUCH AS RETROACTIVE PAYMENT OR OVER OTHER ISSUES SUCH AS LAW OF THE SEA AND THE BLAKE PLATEAU RESOURCE AREA. EQUALLY PLAUSIBLE IS THE INTERPRETATION THAT ADDERLEY HAD JUST BEGUN TO FOCUS ON THE DRAFT TEXTS -- AFTER A FOUR YEAR HIATUS -- AND WAS COMPLETELY UNWILLING OR UNPREPARED TO DEAL WITH SUBSTANTIVE ISSUES LIKE QUID OR TO MAKE A COHERENT, COMPLETE RESPONSE TO OUR 1975 OFFER.

AD HOC ATMOSPHERICS AND MINIMAL PROGRESS

6. ONCE IT BEGAN, THE INITIAL, FORMAL MEETING OF THE TECHNICAL SESSION HAD ALL THE FLAVOR OF A HASTILY-CALLED AD HOC COMMITTEE MARKUP. NEVERTHELESS, SOME PROGRESS WAS MADE TOWARD DELINEATING THE SPECIFIC PROBLEMS THE GCOB HAS WITH PARTS OF THE STATUS OF FORCES AGREEMENT (SOFA), INCLUDING IMMIGRATION STATUS, FISCAL EXEMPTIONS, CRIMINAL JURISDICTION, AND LOCAL ACCESS TO THE FACILITIES.

7. THE FORMAL MEETING OPENED WITH BRIEF WELCOMING STATEMENTS AND MS. SHELTON'S SUMMARY OF OUR 1975 OFFER --

WHICH IS "STILL ON THE TABLE" -- AND INVITED A FULL BAHAMIAN RESPONSE TO THAT OFFER. HOWEVER, THE GCOB TEAM -- CHAIRED BY DR. DAVIDSON HEPBURN AND ASSISTED BY GCOB CONSULTANT, PROFESSOR DANIEL O'CONNELL, WHO WAS ACTUALLY THE SPOKESMAN -- FOCUSED EXCLUSIVELY ON A THREE AND ONE-HALF HOUR LINE-BY-LINE REVIEW OF THE SOFA ASPECTS OF 1973 DRAFT OF THE AGREEMENT. THE BASIC TEXT WAS THE 1973 US SECOND DRAFT, WITH O'CONNELL ATTEMPTING TO INJECT PORTIONS OF THE GCOB 1973 DRAFT WHICH HAD ALREADY BEEN CONSIDERED IN THE FORMATION OF THE 1973 US DRAFT.

8. MOST OF THE QUESTIONS RAISED BY O'CONNELL CAME DIRECTLY FROM ADDERLEY. THE QUESTIONS DEALT PRIMARILY CONFIDENTIAL

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WITH POINTS IN THE DRAFT AGREEMENT WHICH MIGHT REQUIRE CHANGES IN BAHAMIAN LAW (SUCH AS CRIMINAL JURISDICTION) OR MIGHT IMPOSE ADDITIONAL ADMINISTRATIVE BURDENS ON THE GCOB (SUCH AS EX POST FACTO CUSTOMS TAX REBATES). THE US TEAM AGREED TO TAKE SOME OF THEIR SUGGESTED CHANGES TO WASHINGTON FOR REVIEW, BUT HELD OUT LITTLE HOPE THAT MUCH OF THE LANGUAGE COULD BE CHANGED FROM STANDARD WORLDWIDE SOFA PROVISIONS.

9. PROGRESS SO FAR IS MODEST AT BEST, AND THEN ONLY IF GETTING A RESPONSE TO OUR 1973 SECOND DRAFT FOUR YEARS AFTER IT WAS SUBMITTED CAN BE CALLED "PROGRESS". SCHWARTZ

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